

Application No.

10/803,668

Examiner

Frank S. Tsay

Applicant(s)

TODD ET AL.

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response to Election/Restriction filed on 3/27/06.
2. ☒ The allowed claim(s) is/are 1-65.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/18/04-8/18/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: In the Specification, paragraph 1 has been amended as follows:

[0001] The present application is related to co-pending U.S. Patent Application Serial No. 10/803,689, filed on March [17] 18, 2004, and entitled "Biodegradable Downhole Tools, " which is owned by the assignee thereof, and is hereby incorporated herein by reference in its entirety.

5/24/06

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-65 in the reply filed on 3/27/06 is acknowledged.

Allowable Subject Matter

Claims 1-65 are allowed.

The following is an examiner's statement of reasons for allowance: Gregg '579 reference is considered to represent the most relevant state of the art, which discloses a degradable injection pipe in coal seam degasification operation, however '579 reference at least fails to teach or suggest the well tool comprising at least one fiber and a

biodegradable resin that is decomposable in a wellbore environment. The prior art of record also fails to teach the use of fiber and biodegradable material in a well tools wherein the well tools defined in the specification as "one-time" use tool including well plugs, downhole darts, and drillable packers etc.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

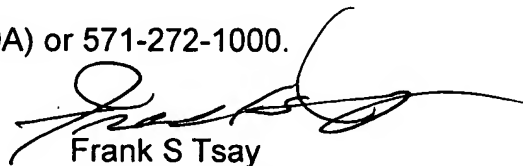
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

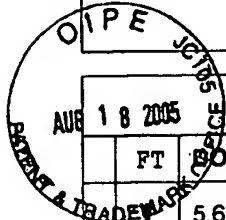
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/24/06



Frank S Tsay
Primary Examiner
Art Unit 3672

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|--|-----------------------------------|--|----------------------------|
| PTO-1449 Information Disclosure Citation In an Application | Application No. 10/803,668 | Applicant(s): Bradley L. Todd, et al. | |
| | Docket Number 2003-IP-012174U1 | Group Art Unit 1711 | Filing Date: 03/18/2004 |



| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|--|----------|--------------------|-------|----------|-------------|
| | FT | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
| | | 5,607,905 | 03/04/97 | Dobson, Jr. et al. | 507 | 211 | 03/15/94 |
| | | 6,394,185 B1 | 05/28/02 | Constien | 166 | 296 | 07/27/00 |
| | | 6,761,218 B2 | 07/13/04 | Nguyen et al. | 166 | 278 | 04/01/02 |
| | | US 2002/0125012 A1 | 09/12/02 | Dawson et al. | 166 | 300 | 01/08/02 |
| NON-PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT (Including Author, Title, Source, and Pertinent Pages) | | | | | DATE |
| | | SKRABAL ET AL., <i>THE HYDROLYSIS RATE OF ORTHOFORMIC ACID ETHYL ETHER</i> , CHEMICAL INSTITUTE OF THE UNIVERSITY OF GRAZ, PAGES 1-38 | | | | | 01/13/21 |
| | | Heller, et al., <i>Poly(ortho esters) - From Concept To Reality</i> , Biomacromolecules, Vol. 5, No. 5, 2004 (pp. 1625-1632) | | | | | 05/09/79 |
| | | Schwach-Abdellaoui, et al., <i>Hydrolysis and Erosion Studies of Autocatalyzed Poly(ortho esters) Containing Lactoyl-Lactyl Acid Dimers</i> , American Chemical Society, Vol. 32, No. 2, 1999 (pp. 301-307) | | | | | |
| | | Ng, et al., <i>Synthesis and Erosion Studies of Self-Catalyzed Poly(ortho ester)s</i> , American Chemical Society, Vol. 30, No. 4, 1997 (pp. 770-772) | | | | | |
| | | Ng, et al., <i>Development Of A Poly(ortho ester) prototype With A Latent Acid In The Polymer Backbone For 5-fluorouracil Delivery</i> , Journal of Controlled Release 65 (2000), (pp. 367-374) | | | | | |
| | | Rothen-Weinhold, et al., <i>Release of BSA from poly(ortho ester) extruded thin strands</i> , Journal of Controlled Release 71, 2001, (pp. 31-37) | | | | | |
| | | Heller, et al., <i>Poly(ortho ester)s - their development and some recent applications</i> , European Journal of Pharmaceutics and Biopharmaceutics, 50, 2000, (pp. 121-128) | | | | | |
| | | Heller, et al., <i>Poly(ortho esters); synthesis, characterization, properties and uses</i> , Advanced Drug Delivery Reviews, 54, 2002, (pp. 1015-1039) | | | | | |
| | | Heller, et al., <i>Poly(ortho esters) For The Pulsed And Continuous Delivery of Peptides And Proteins</i> , Controlled Release and Biomedical Polymers Department, SRI International, (pp. 39-46) | | | | | |
| | | Zignani, et al., <i>Subconjunctival biocompatibility of a viscous bioerodable poly(ortho ester)</i> , J. Biomed Mater Res, 39, 1998, pp. 277-285 | | | | | |
| | | Toncheva, et al., <i>Use of Block Copolymers of Poly(Ortho Esters) and Poly (Ethylene Glycol)</i> , Journal of Drug Targeting, 2003, Vol. 11(6), pp. 345-353 | | | | | |
| | | Schwach-Abdellaoui, et al., <i>Control of Molecular Weight For Auto-Catalyzed Poly(ortho ester) Obtained by Polycondensation Reaction</i> , International Journal of Polymer Anal. Charact., 7: 145-161, 2002, pp. 145-161 | | | | | |
| | FT | Heller, et al., <i>Release of Norethindrone from Poly(Ortho Esters)</i> , Polymer Engineering and Science, Mid-August, 1981, Vol. 21, No. 11 (pp. 727-731) | | | | | |

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| EXAMINER /Frank Tsay/ | DATE CONSIDERED 05/24/2006 |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | |

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| PTO-1449 Information Disclosure Citation in an Application | | Application No. 10/803,668 | Applicant(s): BRADLEY L. TODD, ET AL. | |
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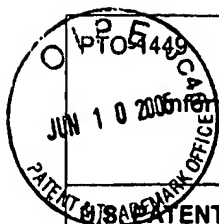
| U.S. PATENT DOCUMENTS | | | | | | | |
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| | | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
| FT | 1. | 6,131,661 | 10/17/00 | Conner, et al. | 166 | 300 | 08/03/98 |
| FT | 2. | 6,143,698 | 11/07/00 | Murphey, et al. | 507 | 145 | 12/04/98 |
| FT | 3. | 2002/0036088 A1 | 03/28/02 | Todd | 166 | 300 | 01/09/01 |
| FT | 4. | 2005/0006095 A1 | 01/13/05 | Justus, et al. | 166 | 295 | 07/08/03 |
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| EXAMINER <div style="text-align: right; margin-right: 50px;">/Frank Tsay/</div> | DATE CONSIDERED <div style="text-align: center;">05/24/2006</div> |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



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| Information Disclosure Citation in an Application | Application No. 10/803,668 | Applicant(s): BRADLEY L. TODD ET AL. | |
| | Docket Number 2003-IP-012174U1 | Group Art Unit 2464 | Filing Date March 18, 2004 |

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| FT | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
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| FT 2. | 3,195,635 | 07/20/65 | Fast | 166 | 280.1 | 05/23/63 |
| FT 3. | 3,302,719 | 02/07/67 | Fischer | 166 | 280.2 | 01/25/65 |
| FT 4. | 3,364,995 | 01/23/68 | Atkins, et al. | 166 | 280.1 | 02/14/66 |
| FT 5. | 3,366,178 | 01/30/68 | Malone, et al. | 166 | 280.1 | 09/10/65 |
| FT 6. | 3,455,390 | 07/15/69 | Gallus | 166 | 295 | 12/03/65 |
| FT 7. | 3,968,840 | 07/13/76 | Tate | 166 | 280.1 | 05/25/73 |
| FT 8. | 3,998,744 | 12/21/76 | Arnold, et al. | 507 | 269 | 04/16/75 |
| FT 9. | 4,068,718 | 01/17/78 | Cooke, Jr., et al. | 166 | 280.2 | 10/26/76 |
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| FT 1. | WO 2004/007905 | 01/22/04 | PCT | E21B | 43/27 | X | |
| FT 2. | WO 2000/57022 | 09/28/00 | PCT | E21B | 37/06 | X | |
| FT 3. | WO 2001/02698 | 01/11/01 | PCT | E21B | 43/27 | X | |
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| FT 1. | Y. CHIANG ET AL.: "HYDROLYSIS OF ORTHO ESTERS: FURTHER INVESTIGATION OF THE FACTORS WHICH CONTROL THE RATE-DETERMINING STEP," ENGINEERING INFORMATION INC., NY, NY, VOL. 105, No. 23 (XP-002322842) | 11/16/83 |
| FT 2. | M. AHMAD, ET AL.: "ORTHO ESTER HYDROLYSIS: DIRECT EVIDENCE FOR A THREE-STAGE REACTION MECHANISM, "ENGINEERING INFORMATION INC., NY, NY, VOL . 101, No. 10 (XP-002322843) | 05/09/79 |
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| EXAMINER /Frank Tsay/ | DATE CONSIDERED 05/24/2006 |
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| PTO-1449 Information Disclosure Citation in an Application | Application No. 10/803,668 | Applicant(s) Bradley L. Todd, et al | |
| | Docket Number 2003-IP-012174U1 | Group Art Unit | Filing Date 03/18/2004 |

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| | DOCUMENT NO. | ISSUE/PUB. DATE | NAME | CLASS | SUBCLASS | FILING DATE |
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| PTO-1449 | | DEC 17 2004 Information Disclosure Citation in an Application | | Application No. 10/803,668 | | Applicant(s): BRADLEY L. TODD, ET AL | | | |
| | | | | Docket Number 2003-IP-012174U1 | | Group Art Unit | | Filing Date 03/18/2004 | |
| U.S. PATENT DOCUMENTS | | | | | | | | | |
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| FT 1. | | US 2004/0231845A1 | 11/25/04 | Cooke, Jr. | | 166 | 279 | 05/14/04 | |
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| /Frank Tsay/ | | | | | | 05/24/2006 | | | |
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| PTO-1449 DEC 09 2004 INFORMATION DISCLOSURE CITATION IN AN APPLICATION | Application No. 10/803,668 | Applicant(s) Bradley L. Todd, et al | |
| | Docket Number 2003-IP-012174U1 | Group Art Unit | Filing Date 03/18/2004 |

U.S. PATENT DOCUMENTS

| | | DOCUMENT NO. | ISSUE/ PUB. DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|--|----|----------------------|------------------------|-----------------------|-------|----------|-------------|
| | FT | 5,224,540 | 07-06-93 | Streich, <i>et al</i> | 166 | 118 | 05-12-92 |
| | FT | 5,698,322 | 12-16-97 | Tsai, <i>et al.</i> | 428 | 373 | 12-02-96 |
| | FT | 6,135,987 | 10-24-00 | Tsai, <i>et al.</i> | 604 | 365 | 12-22-99 |
| | FT | US 2003/0168214A1 | 09-11-03 | Sollesnes. | 166 | 250.08 | 04-06-01 |
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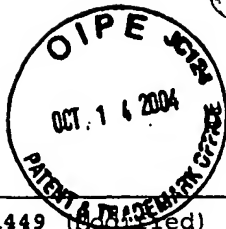
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Sheet 1 of 1

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| FORM PTO-1449 (Revised) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 2003-IP-012174U1 | SERIAL NO. 10/803,668 |
| | APPLICANT Bradley L. Todd et al. | |
| | FILING DATE March 18, 2004 | GROUP 1711 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | Document No. | Date | Name | Class | Subclass | Filing Date if Appropriate |
|---------------------|----|--------------|----------|--------------|-------|----------|----------------------------------|
| FT | AA | 3,960,736 | 06/01/76 | Free et al. | 252 | 8.55 R | |
| FT | AB | 4,848,467 | 07/18/89 | Cantu et al. | 166 | 281 | |
| FT | AC | 4,986,353 | 01/22/91 | Clark et al. | 166 | 279 | |
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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| FT | AR | Cantu, et al., "Laboratory and Field Examination of a Combined Fluid-Loss Control Additive and Gel Breaker For Fracturing Fluids," SPE Paper 18211 (1990). |
| FT | AS | Paper entitled "Controlled Ring-Opening Polymerization of Lactide and Glycolide" by Odile Dechy-Cabaret et al., dated 2004. |
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Sheet 1 of 1

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| FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 2003-IP-012174U1 | SERIAL NO. 10/803,668 |
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|---------------------|----|--------------|----------|--------------|-------|----------|----------------------------------|
| FT | AA | 3,960,736 | 06/01/76 | Free et al. | 252 | 8.55 R | |
| FT | AB | 4,848,467 | 07/18/89 | Cantu et al. | 166 | 281 | |
| FT | AC | 4,986,353 | 01/22/91 | Clark et al. | 166 | 279 | |
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| FT | AR | Cantu, et al., "Laboratory and Field Examination of a Combined Fluid-Loss Control Additive and Gel Breaker For Fracturing Fluids," SPE Paper 18211 (1990). |
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|---|--|--|-----------------------------------|--|----------------------|--|---------------------------|
| PTO-1449 | | | Application No. 10/803,668 | | Applicant(s) Todd | | |
| Information Disclosure Citation in an Application | | | Docket Number 2003-IP-012174U1 | | Group Art Unit | | Filing Date 03/18/2004 |

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 PATENT & TRADEMARK OFFICE

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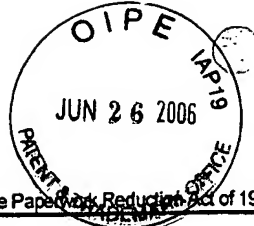
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| Information Disclosure Statement in an Application | | Docket Number 2003-IP-012174U1 | | Group Art Unit | Filing Date 03/18/2004 | | |
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| | | | | Application Number | N/A |
| | | | | Filing Date | Herewith |
| | | | | First Named Inventor | Bradley L. Todd |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | N/A |
| Sheet | 1 | of | 4 | Attorney Docket Number | HES 2003-IP-012174U1 |

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| Examiner Signature | Date Considered |
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| | | | Application Number | N/A | |
| | | | Filing Date | Herewith | |
| | | | First Named Inventor | Bradley L. Todd | |
| | | | Art Unit | N/A | |
| | | | Examiner Name | N/A | |
| Sheet | 2 | of | 4 | Attorney Docket Number | HES 2003-IP-012174U1 |

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| | | | | First Named Inventor | Bradley L. Todd |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | N/A |
| Sheet | 3 | of | 4 | Attorney Docket Number | HES 2003-IP-012174U1 |

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Sheet 4 of 4

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| FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | ATTY. DOCKET NO. 2003-IP-012174U1 | SERIAL NO. unknown |
| | APPLICANT Bradley L. Todd et al. | |
| | FILING DATE concurrently herewith | GROUP unknown |

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OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| FT | AR | Patent application entitled "Biodegradable Downhole Tools," by Bradley T. Todd, filed concurrently herewith. |
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EXAMINER

/Frank Tsay/

DATE CONSIDERED

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Notice of References Cited



Application/Control No.

10/803,668

Applicant(s)/Patent Under
Reexamination
TODD ET AL.

Examiner

Frank S. Tsay

Art Unit

3672

Page 1 of 1

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